

MAR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARRICK JONATHAN CHAVIS,

Defendant - Appellant.

No. 04-10542

D.C. No. CR-03-40218-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted March 8, 2006**

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Darrick Jonathan Chavis appeals from the 60-month sentence imposed after his guilty plea conviction to mail fraud, in violation of 18 U.S.C. § 1341, and

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

willfully subscribing to a false tax return, in violation of 26 U.S.C. § 7206(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Chavis contends that he is entitled to remand and resentencing because the United States breached its plea agreement to recommend a sentencing adjustment for acceptance of responsibility. Because Chavis received every benefit of the plea agreement, he has no viable claim. *See United States v. Coleman*, 208 F.3d 786, 792 (9th Cir. 2000).

AFFIRMED.